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Ontario

October 19, 2004

To Chairpersons of Business Improvement Areas:

Enclosed is the second edition of the **Business Improvement Areas Handbook.** The publication has been revised to reflect changes introduced by the *Municipal Act, 2001.*

Part of the McGuinty government's vision for building stronger communities entails giving stakeholders and local governments the tools and the decision-making powers they need to make choices and take actions in the best interests of their communities.

As in the earlier edition, the new publication has been prepared by a working group comprising representatives from BIAs, municipalities and the Ministry of Municipal Affairs and Housing.

For more than 30 years, business people, property owners and municipal officials across Ontario have worked together to support healthy and thriving business areas in our communities. The BIA legislation, now contained in Sections 204 to 215 of the *Municipal Act, 2001,* is an often-used tool for reviving and maintaining communities across Ontario.

We hope this publication will help your board of management explain the BIA initiative to the residents, property owners and businesspeople in your area. You can also find the handbook on our ministry's website at www.mah.gov.on.ca.

I wish you well in your activities and I am confident your BIA will continue to build on its many successes as we continue to support strong and prosperous communities in a strong Ontario.

Sincerely,

John Gerretsen
Minister

Building Strong Communities

Ontario

Business Improvement Areas HANDBOOK

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Disponible en français
Guide sur les secteurs d'aménagement commerciale

Paid for by the Government of Ontario

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The Business Improvement Areas Handbook Working Group wishes to acknowledge the support of the Communications Branch and the other staff of the Ministry of Municipal Affairs (MMA) in providing technical expertise and assistance in completing this handbook.

The first edition of the handbook was created in the spring of 2001 by a working committee with representatives from the Ministry, Business Improvement Areas (BIAs) and municipal BIA offices.

The members of the working group are:

John Ballantine, Municipal Finance Branch (MFB), MMAH
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NOTE:

This handbook provides an overview of the procedures to be followed in establishing and operating a BIA. As a summary, it is not intended as a complete analysis or for legal purposes. Please refer to the legislation for the official text. You should seek the advice of your own legal counsel if you have interpretation questions or need other legal assistance.

PURPOSE OF THE HANDBOOK

The purpose of this document is to provide an information resource on Business Improvement Areas (BIAs) for local property owners, business people and municipal officials. The document cannot provide all of the answers to questions that may arise around the establishment and management of a BIA. Regional Municipal Services Offices of the Ministry of Municipal Affairs and Housing can provide advice and answer additional questions. In addition, it can often be useful to contact individuals involved with an existing BIA. They can provide practical advice and assistance in dealing with the challenges that you may confront when establishing and managing a BIA.

To assist you, we have provided a list of BIAs and contacts, current in January 2004. If you would like to advise us of any changes you may be aware of, please contact your local Municipal Services Office:

Central Office:	800-668-0230
Eastern Office:	800-267-9438
Northeastern Office:	800-461-1193
Northwestern Office:	800-465-5027
Southwestern Office:	800-265-4736

In addition to our Municipal Services Offices, the Ministry has eight regional teams across the province helping communities with their rural economic development needs. Each team consists of a Client Account Officer, a Rural Business Consultant and an Economic Development Consultant:

Belleville Office:	613-962-6181
Blenheim Office:	519-676-3325
Casselman Office:	613-764-0497
Guelph Office:	519-826-4349
Lindsay Office:	705-324-6127
Owen Sound Office:	519-371-3134
Smiths Falls Office:	613-283-7002 x110
Woodstock Office:	519-537-3537

BIAs involve a self-help approach to revitalizing business districts. Involvement with a BIA generally entails a substantial commitment of time and financial resources. However, past experience suggests that a committed membership generally leads to a successful BIA. The handbook is intended as an aid to business owners and tenants who are prepared to provide such a commitment.

INTRODUCTION TO BUSINESS IMPROVEMENT AREAS

What is a BIA?

A BIA is a geographic area in a municipality. Each BIA has a board of management which is an organization set up to provide business promotion and improvement functions.

A BIA allows local business people and property owners to join together and with the support of the municipality, organize, finance and carry out physical improvement and promote economic development in their district. The local municipality is the body responsible for approving the budget of the BIA.

In 1970, the province passed enabling legislation in response to a request by the business community in the Bloor and Jane Street area in the City of Toronto for special authority to establish the Bloor West Village BIA. Provisions for creating and operating a BIA are now contained in Sections 204 to 215 of the *Municipal Act, 2001*.

In addition to Bloor West Village, there are now more than 230 BIAs in place across the province. They vary in size from less than 60 businesses and property owners to more than 2,000.

The BIA concept has also spread beyond the boundaries of Ontario. The concept has been adopted by more than 1,500 communities across the United States, in most provinces in Canada and has now taken hold in Europe.

What is the purpose of a BIA?

The main purposes of a BIA are to revitalize and maintain a dynamic local neighbourhood and to promote the area as a business or shopping destination. While a major goal of revitalization and retention is to encourage both local residents and others to spend their shopping dollars within the local commercial district, all businesses and residents in the area may benefit as well.

Revitalization and maintenance create a cleaner, safer and more congenial atmosphere that benefits all local businesses. It also benefits professional service firms, whose clientele can enjoy the local atmosphere as part of their trip to the doctor, dentist, lawyer or accountant. The same is true for entertainment and dining establishments which benefit from the increase in local traffic and the improved atmosphere that results from the presence of a BIA.

Further activity is needed beyond just beautification and promotion, although both are important elements of any comprehensive improvement effort. A concerted effort is also required on the part of the BIA leadership to develop a network of relationships and partnerships among local community groups (schools, churches, citizen groups etc.) and institutions (Chamber of Commerce, committees of council etc.). The key to the success of any BIA lies in establishing and maintaining this network. It is only through the combined effort of all local community groups that a BIA can truly be successful.

Revitalization and maintenance often includes defining an identity for the local community. This identity is then used as a means to further promote the local community as an interesting and unique business area. In some cases, leaders of the BIA (the board of management) become a line of communication between the community and the local municipal council. The BIA forum can be used as a vehicle for conveying community concerns to council and, for prompting council to pursue policies and activities that will promote and strengthen the community and its unique identity.

What does a BIA do?

The BIA has a two fold mandate:

- to oversee the improvement, beautification and maintenance of municipally owned land, buildings and structures in the area beyond that provided by the municipality generally, and

- to promote the area as a business and shopping district.

In carrying out these responsibilities, BIAs have become involved in numerous activities, which often include:

- **Marketing**: Understanding who area customers are, and creating effective promotions to retain and expand the customer base.

- **Business Recruitment:** Working with property owners to help ensure that available space is occupied, and that an optimum business and service mix is achieved and maintained.

- **Streetscape Improvement and Other Amenities:** Providing for more customer-friendly lighting, signage, street furniture, planters, banners and sidewalk treatment.

- **Seasonal Decorations:** Creating a unique and pleasant environment for customers and staff of all businesses, retail and non-retail, through the use of decorations that are appropriate to the season and holiday.

- **Special Events**: Organizing and partnering in special events that highlight unique attributes of the area and increase customer visits.

Who benefits from having a BIA?

Business operators:
A BIA can benefit more than just local retail businesses. All businesses in the area, whether professional, dining, entertainment, finance, or retail, may benefit from the improved local atmosphere and ambience that a successful BIA helps to create.

It is the responsibility of each business to build upon the activities of the BIA and ensure that the customer receives best value in an efficient and courteous manner. An expanded customer base depends on the successful partnership between the activities of the association and individual businesses.

Property owners:
BIA-initiated improvements and activities may lead to an increase in property values. Improvements help to create and sustain a more vibrant and viable economic environment within the local area. This attracts both commercial and service sector businesses to the area that, in turn, may lead to an increased demand for retail and office space, and a subsequent increase in property values.

Non-retailers also benefit:
BIA improvements and activities help to create a more vibrant local community and a more prosperous local economic environment. A more vibrant community attracts more visitors and retains more local customers for all types of services – including dining, entertainment and professional services. In addition, a more vibrant community creates a more inviting atmosphere that clients and customers will enjoy visiting.

A BIA is a secure source of funding:
A secure source of funding is a significant benefit to having a BIA. Once the board of the BIA has prepared a budget, discussed it with its membership and has it approved by the municipality, the municipality collects money as a special levy on all industrial and commercial properties in the area. Funds are then transferred to the BIA organization to carry out its work.

Other benefits:
- increasing community interest and pride in the business area
- ensuring on going co-operation among the members of the business community
- improving lines of communications between the business community and municipal council and staff
- advocating membership interests and concerns through effective communication with both the municipality and other levels of government
- increasing cost savings to the membership through improved integration of capital funding and promotional activities

ROLE OF MUNICIPAL COUNCIL

ROLE OF MUNICIPAL COUNCIL

General Support for Business Improvement Areas

Leadership and commitment on the part of local political leaders has been an essential part of all BIA success stories across North America.

The board and municipal council must work together to achieve their common goal of a strong and vibrant business community.

The municipality can contribute to the BIA in many ways, including:

- assisting local business leaders to get started and participating on an on going basis
- providing a supportive growth management and development strategy
- providing financial and technical resource assistance
- instituting public improvements
- providing encouragement and support to BIAs and their staff
- raising awareness of BIAs among municipal staff and the public at large

Initiation and Participation

The first major challenge to setting up a BIA is getting started. Initial interest and effort must come from local business leaders. However, council and municipal staff can play a significant role in helping a BIA to get off the ground by providing a venue for local business leaders to get together to discuss possible strategies for revitalizing their local community.

A councillor, committee of council, or professional staff members can be assigned to help organize initial BIA meetings and to provide preliminary leadership if necessary. Municipal staff and council can help to motivate citizens and local business leaders to get organized and take action.

Once a BIA is established, council appoints members to the board of management. The BIA presents a list of nominees to their general membership for a vote prior to submitting these nominees for council approval. This practice ensures that the general membership is consulted on the board's composition.

Council participation has immediate and direct benefits for the BIA. For example, appointing a councillor on the board and the direct involvement of the council in appointing other board members provides a measure of authority and credibility to the BIA. In addition, a direct link is established with the most important local decision-making body. This allows for joint planning between the BIA and the council that can maximize the effective use of the BIA budget. Finally, the direct link with and support from council increases the potential for the BIA to secure assistance both from the municipality and from other levels of government.

The council representative on the board plays an important communications role by keeping council informed of activities undertaken by the BIA. Generally, this will be the local councillor for the area, but, in all cases, the goal is to appoint an individual who is willing to commit time and energy to improving and maintaining the area.

In turn, the council representative would keep the BIA informed of pertinent council matters. For example, the councillor may inform the board of meetings that should be attended, when issues of concern will be dealt with by committees or council as a whole, and how to get the most out of their relationship with the municipality and council

Specific Roles of Municipal Council

In addition to providing an atmosphere conducive to economic and business development and providing general support for BIAs, the municipal council has several important official roles with respect to a BIA.

Creating the BIA

It is a municipal bylaw that formally creates a BIA. Prior to the passing of this bylaw, the municipality must issue a notice of intention to pass the bylaw to property owners in the affected area designated as industrial or commercial. Property owners have a responsibility to give their tenants a copy of the notice.

Bylaws are also required to implement other significant decisions. These include expanding the BIA boundaries and establishing maximum, minimum, and special benefit charges.

Registering Objections

Council cannot pass a bylaw establishing the BIA if it receives objections to the bylaw, and if the objections meet certain conditions. These could be summarized generally as:

- receipt by the clerk of objections signed by at least one-third of the persons entitled to notice of the proposed bylaw (see above);

- the objectors are responsible for at least one-third of the general local municipality levy on the prescribed classes (i.e. industrial and commercial properties) in the proposed BIA area

Note - as other requirements apply and the above is a summary, for accuracy users may wish to refer to the legislation and section 210 in particular.

It is the responsibility of the municipal clerk to establish if the conditions applicable to objections to a BIA bylaw are met.

Provisions in the previous version of the *Municipal Act* had an Ontario Municipal Board appeal process. However, appeals to the OMB are no longer included in the legislation.

Establishing the Board of Management

The board of a BIA is also established by municipal by-law. The Board of a BIA is composed of one or more directors appointed by the municipality, with the remaining directors selected by a vote of the membership and then formally appointed by the municipality. Generally, the council member representing the ward in which the BIA is located is appointed to the board

Determination of tenancy

A tenant may make a request to the municipal clerk to verify membership

Financial Monitoring

The board prepares annual estimates (budget). The budget reflects the priorities and needs of the BIA as determined by the board and membership. The Board is required to hold one or more meetings of the members of the improvement area for a discussion of the proposed budget. Once the budget is finalized, it is submitted to council for approval. The budget is financed by BIA levies that are collected by the municipality. Funds are then disbursed by the municipality to the board. In addition, the municipally appointed auditor is responsible for auditing the financial accounts of the board and is free to inspect any and all relevant documents held by the board.

Altering the Boundaries of a BIA

On occasion, property owners and businesses beyond the borders of a BIA request inclusion. In other instances, these property owners and businesses can be considered to be a natural extension or growth of a pre-existing BIA community and they may be invited to join the BIA.

By the same measure, parts of a BIA may no longer feel an affinity towards their BIA. In these cases, the BIA may need to alter its boundaries.

The legislation includes a mechanism for changing the boundaries of a BIA. Members in the original area, and potential members in an expanded area (if there is one), are notified about and may object to proposed new boundaries.

Similarly to the case when a BIA is originally created, a municipal council cannot pass the proposed BIA bylaw if, within 60 days of mailing the original notices, the clerk receives objections which:

- are signed by at least one-third of the persons entitled to notice; and,
- the objectors meet the applicable conditions. Generally stated, these are responsibility by objectors for at least one-third of the general local municipality levy on the prescribed classes (i.e. industrial and commercial properties) in either the existing or proposed BIA areas.

Note - as other requirements apply and the above is a summary, for accuracy users may wish to refer to the legislation and section 210 in particular.

It is the responsibility of the municipal clerk to establish if the conditions applicable to objections to a BIA bylaw are met.

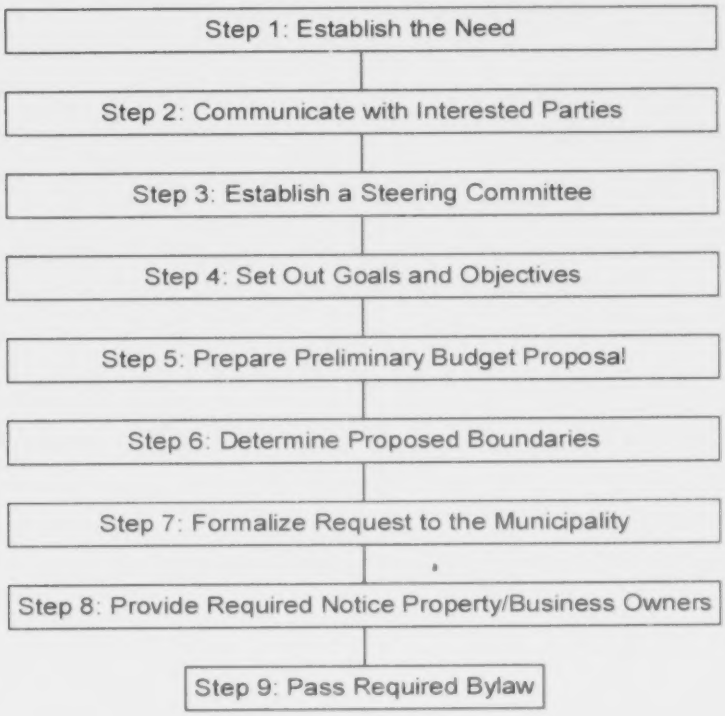
When a municipality expands or redefines the boundaries of a BIA, the board of management for the area would continue as the board of management for the altered area. It is often prudent to seek board representatives from the new area in the case of a BIA expansion.

ESTABLISHING A BIA

ESTABLISHING A BIA

The request to designate an area as a BIA usually originates with the local business community affected and is developed in consultation with municipal staff. A request to the municipal council to designate an area identifies the need for a BIA and sets out the boundaries for the proposed area. Some important steps in establishing a BIA are outlined below:

Some Key Steps in Establishing a BIA


Step 1: Establish the Need
Step 2: Communicate with Interested Parties
Step 3: Establish a Steering Committee
Step 4: Set Out Goals and Objectives
Step 5: Prepare Preliminary Budget Proposal
Step 6: Determine Proposed Boundaries
Step 7: Formalize Request to the Municipality
Step 8: Provide Required Notice Property/Business Owners
Step 9: Pass Required Bylaw

Step 1: Establish the Need

The first step in establishing a Business Improvement Area is to determine the need for a BIA. Those interested in pursuing the BIA option should identify the existing problems and needs of the area to determine if creating a BIA is an appropriate solution.

Among the factors that should be considered are[1]:

- economic environment and public perception of the area
- municipal policy and infrastructure affecting the area
- function and physical appearance of the area
- marketing and promoting the area

Examining the need for a BIA does not require detailed research, surveys or statistical analysis. All that is required is some thought about the needs of the business area.

Determining and identifying priorities of the proposed BIA area will help provide a greater awareness and understanding of existing problems and concerns. Conclusions derived from this examination can help generate interest and support for the proposed BIA. It will also be important for the organizers to know, in general terms, how much the addressing of problems and concerns will cost and determine a rough idea of how much of a levy total would be needed.

After completing the examination, the local business group can better determine area needs and whether the creation of a BIA is an appropriate vehicle to meet these needs. If the BIA is an appropriate vehicle, the group may wish to proceed with the request for a BIA designation. However, it is imperative for the local business group to realize that need is not enough. Commitment and leadership are absolutely essential for the establishment and success of a BIA.

Commitment

A commitment from businesses and property owners in the area is essential to the success of a BIA. Council and other community business groups may be interested in transforming the area but it is the business people, landlords and tenants in the area, who have the greatest interest in the success of the proposed BIA. The onus is therefore on those with the greatest interest in developing the area to devote necessary time and resources to ensure the success of the BIA.

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[1] See Appendix A which provides "A Sample Checklist to Identify Business Area Needs"

Participants should be aware from the outset that renewal and maintenance requires more than physical improvements. Economic stimulus is also required. New marketing strategies, and merchandising techniques may be needed to attract people to the area.

Leadership

Successful development always requires the involvement and support of many groups – council, municipal staff, the business community, property owners and the general public. Strong and effective leadership is required to ensure that the interests and needs of all of these groups are met and that their efforts are co-ordinated and focussed upon the common goal of the economic development of the local community.

Potential leaders are generally easily identified. Often they are the individuals who initiated the program. Local members of council or chamber of commerce are often obvious choices. However, it must be remembered that some individuals may already have commitments within the wider community when individuals with a commitment only to the BIA may be more beneficial for the long-run.

Step 2: Communicate with all Interested Parties

Those leading the BIA initiative should launch an extensive information campaign throughout the area within which the BIA would be formed. The information campaign should inform the property owners and tenants that a BIA is being considered, and should focus on highlighting the potential benefits that can be provided by a BIA.

Important considerations when communicating with interested parties include:

- holding area meetings to present the BIA concept and to answer questions
- improving ideas for beautification and promotion in order to receive feedback from potential members
- letting potential members know that their opinions are important and that a BIA will only be established with their input
- distributing newsletters to ask for opinions and ideas
- inviting speakers from neighbouring communities with a BIA to discuss their experiences
- ensuring that all interest groups are involved, including municipal council and staff, in order to maximize input and feedback

Feedback should be used to prepare preliminary budget proposals. Once proposals are prepared, potential members may be provided with an estimate of the amount of the levy that they will be assessed.

It is important to ensure that communication does not end when the BIA is established. In fact, communications among members should be increased after the BIA is established.

Step 3: Establish a Steering Committee

If the decision to pursue the BIA option is made, as an organizational matter, a steering committee may be established. Generally, the steering committee could include leaders in the local business community and the local council member.

A steering committee of this kind could have several roles, including:

- establishing a set of preliminary goals and objectives
- establishing proposed boundaries
- preparing preliminary budget proposals
- communicating the proposals to all interested parties and,
- formalizing a request to the municipality

Step 4: Set out Goals & Objectives

The steering committee may determine proposed goals and objectives of the BIA and related revitalization, maintenance and area development campaigns. These proposals can then be used as a basis for discussion. It is important the committee remember that a program may not be limited to physical improvements. Economic development is an important issue. The goals and objectives should be focussed on providing the right mix of retail and services, as well as an improved physical environment that will attract customers and improve community ambiance.

Step 5: Prepare Preliminary Budget Proposals

Goals and objectives should be prioritized. A specific amount should be budgeted for each specific improvement necessary to achieve these goals and objectives. The committee should determine the minimum cost necessary to make the desired improvements. Members may wish to include a range of budgetary estimates that would include "Luxury", "Mid-Range" and "Compact" options.

The budget should be flexible and realistic. A well thought out budget will meet the needs of businesses and property owners. It should also address questions that other local business people and property owners may have. A preliminary budget also provides a rough guide to the amount of levy that each business property class or owner will have to pay.

Step 6: Establish Proposed Boundaries

There are no guidelines on the process to follow when establishing boundaries. However, it is important that the majority of the business and property owners within the proposed area support the designation of the area as a BIA. This should be balanced with the need to define an area that is easily identifiable and in which activities can be managed.

In many cases, BIA boundaries can be determined based on the physical and/or historical characteristics of the area. For example, a river or a bridge may serve as a natural boundary, or older buildings may form a historical boundary. In addition, many shopping districts are easily recognizable and can form the basis for BIA boundaries. Municipal staff input could help in determining boundaries.

Step 7: Formalize a Request to the Municipality

If there appears to be sufficient support and enthusiasm for the BIA among proposed members, a formal request for designating the proposed BIA should be sent to the municipality. The request should be made in writing and should include a final proposal with respect to boundaries, a proposed plan and a preliminary budget. The request should also indicate the level of support for the BIA among potential members, along with details on how information was provided to potential members.

Once a formal request has been made to the municipal council to establish a BIA, there is an established process and rules that the municipality must follow before a municipal bylaw designating the proposed area as a BIA can be passed by council.

Step 8: Notify a Proposed BIA Designation

The municipality must provide written notice of the intention to pass a bylaw designating the area as a business improvement area to owners of property designated as industrial or commercial.

Property owners are to provide a copy of the notice to tenants within 30 days after the date on which the notice was mailed by the municipality. In addition, within the same 30 day period, property owners are to provide the clerk of the municipality with a list of every tenant entitled to receive a copy of the notice.

It is important to discuss the benefits and costs of the proposed BIA with all the business people in the affected area prior to establishing BIA boundaries and sending out notices. Public meetings can be used to answer any questions and address any concerns. Discussions and public meetings should continue throughout the notice period

Step 9: Pass a Municipal Bylaw

The municipality may pass a bylaw designating the area as a BIA, if, after the notice period ends, there are insufficient objections to the bylaw.

Council cannot pass a proposed BIA bylaw if, within 60 days of mailing the original notices, the clerk receives objections which:

- are signed by at least one-third of the persons entitled to notice; and,
- the objectors meet the applicable requirements (generally, that objectors, as a group, pay least one-third of the general local municipality levy on the prescribed classes (i.e. industrial and commercial properties) in a proposed BIA.

Note - Other requirements apply. The above is a summary only. For accuracy users should refer to the legislation and section 210 in particular.

It is the responsibility of the municipal clerk to establish if the conditions applicable to objections to a BIA bylaw are met.

MANAGING & OPERATING A BIA

BIA MEMBERSHIP

The members of a BIA are both property owners in an improvement area, and their tenants.

Membership in a BIA generally includes attendance at BIA meetings, including the annual meeting of the BIA, and eligibility to vote on BIA-related issues such as the annual budget and selections to the board.

Some BIAs also have associates, who may attend meetings. Associates are generally business people in the area surrounding, but not included in existing BIA boundaries.

BOARD OF MANAGEMENT

Administration and strategic management of a Business Improvement Area is the responsibility of the board. In particular, the board is responsible for overseeing the planning, budgeting, implementing and evaluating BIA projects.

There is no minimum or maximum board size. The municipality appoints one or more directors directly with the remaining members chosen by the membership (and later approved by municipal council). Generally the board consists of between five and ten members.

In most cases, council designates a position on the board for the local councillor that represents the ward within which the BIA is situated. Apart from the position on the board reserved for council appointees, the rest of the board is selected through a vote by the BIA membership subject to their approval by council.

Generally, each board member holds office from the time of their appointment, until the end of the term of the municipal council that appointed them. Where a vacancy occurs for any reason, council may appoint a replacement. Members are eligible for reappointment.

ROLE OF THE BOARD OF MANAGEMENT

The *Municipal Act, 2001* sets out roles and responsibilities for the board.

Its general mandate is to improve, beautify and maintain municipal lands and buildings within the BIA beyond the beautification and maintenance provided by the municipality at large, and to promote the area as a business and shopping district. The board is also required to submit its annual budget estimates for council approval.

The board can submit requests to council for funding. The board has no authority to spend money unless it is included in the estimates, or in a reserve fund. In addition, the board cannot borrow money, and cannot incur debts extending beyond the current year without prior council approval.

Finally, the board must submit an annual report, including audited financial statements, for the preceding year to council on or before the date set by council.

The board generally exercises a number of other more informal responsibilities.

These may include:

- Selecting an executive
- Establishing & reviewing committees
- Hiring staff
- Establishing BIA policies, its constitution & operating by-laws
- Reviewing & assessing BIA programs & projects

Selecting an Executive

The board may select an executive.

The executive generally consists of at least four members, including:

- Chair
- Vice-Chair
- Treasurer/Secretary
- Committee Chair(s)

The executive is usually chosen by majority vote of the board. In some cases, choices for the executive are submitted to the BIA membership for approval.

Establishing & Reviewing Committees

Boards often establish BIA committees. Most boards initially establish at least two committees, one for beautification and one for marketing/promotion. As the BIA matures, other committees are often introduced to provide for better planning with respect to parking, business development, tourism, revitalization projects and any number of other issues.

Committees generally range in size from three to eight persons. The chair of all committees is often a member of the board. Other committee members can include BIA members or other local community leaders. Committee members are appointed for any length of time during the tenure of the board, in practice.

Many boards establish guidelines that govern committee activities. Guidelines could include:

- board membership on the committee
- election of a vice-chair for the committee
- the chair of the board as an ex-officio member of all committees
- that notices of meetings and agenda are to be mailed out to committee members in advance
- committees are to be responsible for their budgeted funds and must seek board approval for any funds that exceed this budget

In general practice, the chair of a committee is accountable to the board. Similarly, the committee chair would be also responsible to the board for all expenditures within the committee budget.

In addition, the committee chair may have several other important responsibilities, including:

- choosing committee members
- organizing and planning programs and projects in the committee's area of responsibility
- presenting progress reports to the board on all programs and projects undertaken by the committee

The committee may have practical responsible for developing and implementing the budget, and for programs/projects required to carry out the mandate of the committee. Many committees with responsibility for a wide range of programs and projects establish sub-committees.

Hiring Staff

All BIAs require dedicated people to devote time and effort to ensure the success of the programs and projects established by the BIA. Some BIAs have paid, professional staff, but many operate with only volunteer staff. In either case, it is the enthusiastic support and participation of the membership that is essential to success.

Many BIAs that do employ professional staff hire a manager to be responsible for the day-to-day management and operation of the BIA. It is often the BIA manager who also oversees the operational management of the programs and projects established by the BIA.

Whether hiring paid professional staff or relying on volunteer staff, every BIA will have to assess its staffing needs.

This requires the BIA leadership to consider a number of issues, including:

- identifying tasks that must be completed to implement BIA projects and programs
- identifying skills that staff require to complete these tasks
- determining resources and help that may be available from the municipality and from within the local business leadership and the wider local community
- determining if these resources are adequate to meet the staffing needs of the BIA, and
- determining the availability of funds to hire paid professional staff.

Establishing BIA Policies, Constitution & Operating Bylaws

Many BIAs establish policies and by-laws that govern their structure and operation. Some BIAs formalize these policies and bylaws in the form of a BIA constitution. This helps to provide continuity and direction when there is a change in the composition of the board and/or committees. A constitution can also help provide legitimacy to the BIA and greater consistency and certainty in its operation. In some cases, municipalities help BIAs by developing a model constitution that can be used by all BIAs within the municipality to develop policies, bylaws and/or a constitution that meets their specific needs.

Whether establishing policies and bylaws or a constitution, all BIAs need to consider a wide range of management and operations issues.

Among the issues that could be considered are rules, regulations and policies related to:

- membership
- composition & activities of the board
- composition & activities of committees & subcommittees
- general membership meetings
- board, committee and subcommittee meetings
- annual budgets
- general expenditures
- rules of order
- conflict of interest guidelines
- contracts
- voting & proxy voting
- elections
- adoption of policies, bylaws & constitution

Membership

The *Municipal Act, 2001* deems members of a BIA to be both property owners and tenants.

Reviewing & Assessing BIA Programs & Projects

Programs are often evaluated to determine if they are working, and if the BIA is actually improving. Evaluation in this context implies a measure of success and is usually undertaken once most of the longer term actions comprising a comprehensive approach are either complete or well underway.

In evaluating your program, it is essential to look beyond the obvious and tangible evidence of success, such as the visual physical elements of a revitalization program. The evaluation of the less tangible, economic elements is far more crucial for determining if your program is working. You should ascertain if business has improved, if the BIA is really prospering, and if an improved image has resulted in a positive public perception both within the BIA and the community. Evaluation of these less tangible elements requires considerably more effort than the physical easily identifiable, visual elements.

To assist you in evaluating your BIA program, the following questions may help in assessing the impact of any initiative:

- How many vacancies now exist in the BIA compared to when the program started?
- How quickly are vacancies filled?
- How many new businesses have located in the BIA since the program started?
- How many business failures have occurred since the program started compared to before?
- How many "facelift" projects have taken place since the program started?
- How many businesses have reported increased sales since the program started?
- Can an increase in property values be identified as a result of improvements since the program started?
- Have there been reports of increases in property values since the program started?
- How many new permanent jobs have been created in the BIA since the program started?
- How many successful events can you count on continuing?
- How has the competition fared since the program started?
- What is the media saying? Is it standing up and taking notice? Are reports positive or negative?
- Has the level of participation among BIA members increased

Most of the information needed to answer these question is easily obtainable through field surveys, discussions with BIA merchants, property owners and business groups, a few telephone calls to local Realtors, discussions with key municipal staff, review of recent issues of the newspaper and perusal of town assessment, building permit and other files.

All of these elements may not be applicable in your particular situation. You may be able to identify certain more appropriate criteria that have not been included. Nevertheless, these questions provide a useful yardstick for measuring the success of your program. Remember to consider your evaluation in the context of economic developments both in your region and the province.

Board of Management

The BIA board may establish or make recommendations to council concerning rules and regulations governing the composition and activities of the board and the officers of the board (chair, vice-chair, treasurer) which are consistent with relevant legislation.

Among the issues that may be considered are:

- the size of the board
- establishing officer positions
- establishing rules for quorum
- procedures for vacancies
- defining the responsibilities of the board
- defining the duties and responsibilities of board members and Officers

* the rules for the term of office are set out in the Municipal Act, 2001

Committees & Subcommittees

The BIA board can establish rules with respect to the creation and functions of committees and subcommittees.

Among the issues that may be considered here are:

- defining reporting requirements
- determining the composition and size of committees
- appointing committee chair

General Meetings

The BIA board may establish rules concerning meetings of the general BIA membership.

Among the possible issues that can be considered here are:

- establishing a requirement for an annual meeting(s)
- establishing notice requirements
- establishing provision of relevant documents
- establishing procedures for voting
- calling of meetings

Board & Committee/Subcommittee Meetings

The BIA board may establish rules concerning meetings of the board and committees and subcommittees.

Among the possible issues that can be considered here are:

- establishing requirements for holding regular meetings
- establishing rules regarding member attendance
- establishing rules regarding placing items on agenda
- establishing requirements for notice of meetings
- establishing rules for the provision of relevant documents

Annual Budget

The BIA board may establish rules concerning the annual budget.

Among the possible issues that can be considered here are:

- establishing requirements for an annual budget
- establishing rules for membership approval of proposed budget
- establishing rules for provision of copy of proposed budget to members
- establishing rules for member access to approved budget documents

General Expenditures

The BIA board may establish procedures concerning expenditures made by the board, such as procedures for the deposit and disbursement of funds.

Rules of Order

The BIA board may establish rules concerning the rules of order for meetings of the board and committees and subcommittees. Often the BIA will use an established set of rules of order such as those contained in *Bourinot's* or *Robert's Rules of Order*.

Contracts

The BIA board may establish rules concerning negotiating and entering into contracts on behalf of the BIA. However, a BIA may not borrow money or incur debt beyond a year without the approval of the municipal council

Among the possible issues that can be considered:

- the appropriate authority and responsibility of the board
- requirements for board resolution
- signing authority

Voting & Proxy Voting

The BIA board may establish rules concerning voting procedures at general meetings and board meetings.

Among the possible issues that can be considered:

- voting by general membership
- voting by board members
- voting procedures

A number of BIAs have created rules about voting procedures that allow for well-executed general meetings. For example, a rule requiring corporate members to declare their nominees to the municipal clerk a week prior to a general meeting.

As a reminder, the following requirements (summarized from the legislation) apply:

- A corporate member of a BIA may nominate in writing one individual to vote on behalf of the corporation.

- Each member of a BIA has one vote regardless of the number of properties that the member may own or lease in the improvement area.

Elections

The BIA board can establish procedures concerning elections or selections to the board.

Among the possible issues that can be considered is:

- a process for nominating candidates for the board

Adoption of Policies, Bylaws and Constitutions

The BIA can establish rules concerning the procedures according to which policies, bylaws and constitutions are adopted.

Council Approvals, Consistency with Legislation

It is important for all board members to remember that any and all policies, by-laws or constitutional provisions they establish must be consistent with legislative requirements. Of particular importance for BIAs are sections 204-215 of *the Municipal Act, 2001*

As a reminder, some actions of a BIA board (for example, budget or certain expenditure approvals) may require council approval.

FINANCIAL MANAGEMENT

FINANCIAL MANAGEMENT: AN INTRODUCTION

One of the most important activities performed by any organization, including BIAs, is financial management.

Financial management consists of at least three key functions:

- Financial planning
- Budgeting
- Financial monitoring

Financial Planning

Good financial planning requires more than simply preparing an annual budget, although the budget is the mechanism through which it is implemented.

Effective financial planning involves many activities, including:

- Needs Assessment
- Needs prioritization
- Policy/program development

Assessing Needs

The first step in developing a financial plan for your BIA is to assess the needs of the local area. Needs assessment may be seen as an opportunity to develop a strategic financial plan for the BIA. Needs may range from improving the economic environment and changing public perception, to enhancing municipal policy in support of the BIA and infrastructure improvement, as well as enhancing parking, circulation and the physical environment. Appendix A provides a checklist of some of the needs of the business area that could be considered.

Prioritizing Needs

Once needs of the area have been identified, they can be prioritized. The most pressing needs are generally addressed first. It is the role of the board, with member input, to determine which are the most pressing.

Policy/Program Development

Once needs have been identified and prioritized, programs and projects that address these needs should be identified and developed into specific proposals. The next step is to prepare estimates of the costs associated with implementation.

At this stage, it is important for the board and membership to consider that many proposals and projects may require several years to be fully implemented. Since the BIA levy can be assessed only for the current year and the ability of the BIA to borrow money and incur debts is limited, it is important for the board and membership to consider that any projects requiring multi-year funding be provided for in upcoming budgets if they are to be completed. Financial planning should therefore go beyond current year requirements.

Budgeting

The board is responsible for BIA budgeting. Budgeting involves both developing a budgetary plan and preparing the proposed annual budget. The budget can be regarded as the vehicle by which the strategic financial plan, developed from the initial needs assessment, is implemented.

A BIA board is required to prepare a proposed budget for each fiscal year by the date and in the form required by the municipality. The Board is also required to discuss the budget with its membership.

The board cannot spend any money in any particular area unless it is either included in the budget approved by the municipality, or in an established reserve fund.

The board cannot incur any indebtedness extending beyond the current year without the prior approval of the municipality.

Developing a Budget Plan/Proposal

Budgeting is an important consideration in successfully managing a BIA. The board is responsible for preparing the annual budget. The purpose of the budget is to provide the funds required to finance the projects and programs identified by the board as meeting the needs of the local business area. Thus, the budget reflects the priorities and needs of the local business area.

A first step to preparing a budget is for the board to determine which of the projects and programs identified in the strategic financial plan should be funded in the current budget. Projects/programs may be ranked according to their urgency and importance. It is important that the board does not under-budget for projects. This can result in projects not being completed. It is also important not to over-budget for projects.

Members may be included in planning and preparing the budget. This will help to ensure that the budget has the support of a majority of members. Discussions can be held among the board, key staff and members to reach a consensus on the types of projects that should be pursued by the BIA over the coming year.

Budgetary objectives and goals should be well-defined, clear and concise. This will make it easier for board members to explain what they propose to do, the purpose of these proposals and the cost of implementing these proposals.

Different BIAs adopt different approaches to setting budgetary priorities. Some newly established BIAs feel that it is desirable to undertake "quick hit" high impact projects, (e.g. banners), during the first year of operation to ensure that the BIA has an immediate impact on the area.

Other BIAs use their first year as a period to develop a long-term strategic plan for revitalization of the area. Boards will often develop three or five-year plans that are updated annually.

Another approach adopted by some boards is to give priority to beautification and street scape improvements during the first few years of a BIA. Promotional activities are then emphasized in subsequent years. The most successful BIAs often combine both beautification and promotional strategies from the outset.

The board may need help in projecting costs. This may require the board to approach contractors, consultants or advertising agencies. The board should first contact the municipality for estimates. Municipal staff may be able to provide valuable assistance free of charge. For example, a municipal engineer may be able to provide reliable estimates of the expected costs of beautification projects.

Approving the Budget and Determining the Levy

The board prepares annual budget estimates that must be submitted to municipal council for approval. Generally the board presents the budget to members at the annual general membership meeting for approval. The board is required to discuss the proposed budget with its membership and should solicit input from the membership. To allow for a thorough discussion, the board should provide a copy of the proposal budget to the membership along with the notice of the budget meeting. Once the budget has been discussed by the membership, it is then submitted to municipal council.

Once the budget is approved by municipal council, the council adds a special levy to the property tax paid by every owner of property designated as industrial or commercial within the boundaries of the BIA. For each property, the amount of the levy will be related to its realty assessment. Ordinarily, if the property assessment represents .005% of the total realty assessment within the BIA boundaries, it will also pay .005% of the total BIA levy.

The exact amount of the BIA levy is determined by dividing the property's realty assessment by the total realty assessment in the BIA and multiplying by the total BIA annual budget.

For example, if:

- a property's realty assessment is $100,000, and the total realty assessment in the BIA boundaries is $10,000,000 and the annual BIA budget is $40,000, then the property's BIA levy is equal to

$$\frac{\$100,000}{\$10,000,000} \quad X \quad \$\,40,000 = \quad \$400$$

The municipal council can set minimum and maximum contributions that properties within the BIA can be assessed. In addition, the council can set a special charge for properties that derive greater benefits from the BIA. Municipalities seldom use such special benefit provisions. However, a maximum levy can be a useful tool in situations where one property in the BIA represents a significant proportion of the total applicable realty assessment in the BIA. In such situations, in the absence of maximum levies, the BIA levy may prove a heavy burden on the large property in relation to others in the BIA.

Alternative Sources of Funding

The board and membership of the BIA may also investigate alternative funding sources. In recent years, many boards, with the support of members, have also taken on a fundraising role. Some boards have obtained corporate sponsorship and user fees for BIA-related events. Many others have been successful in seeking corporate sponsorship to support both physical improvements and local marketing and promotional events. Some BIAs have also accepted the participation of associates, generally business and property owners in the surrounding area. Associates provide voluntary financial support to the BIA because they believe the benefits of the activities of the BIA extend beyond its boundaries and that they therefore reap the same benefit.

Finally, the board should investigate additional funding sources for physical improvements. Municipal staff can assist the board in identifying funding from other agencies and programs.

User Fees

The board also has the discretion in determining which services or activities to finance through user fees and on what basis fees will be applied.

There are a number of options available to raise money needed for BIA activities. The options include, among others:

- A BIA levy on all properties in the business property class
- A BIA levy on all properties in a business property class, combined with a user fee for owners of property in the business property class and/or their tenants
- A user fee for owners of property in the business property class and/or their tenants

BIAs considering user fees should be aware of the following:

- The user fee approach requires municipal approval. The board may pass a bylaw setting out the user fee. However, this bylaw would not come into force until council has passed a resolution approving the bylaw. Therefore, it is essential the municipality is consulted when considering whether the user fee approach is suitable.

- The tenant business may be billed for the user fee separately from a landlord. A BIA may consider preparing a list of businesses for this purpose.

- The board and the municipality would need to deal with a number of issues, including:

  - degree of BIA support for this approach
  - portion of the BIA budget funded through user fees
  - basis of application of user fee (for example a uniform charge for those who wish to use a BIA service)
  - provisions that need to be made to deal in cases of user fee non payment (e.g. possible actions/costs to collect).
  - changes in membership or business activity in the area

Financial Monitoring

Responsibility for financial monitoring of the board lies with municipal council, as well as with the board itself. The board submits an annual report to the council that must include audited financial statements.

The municipally appointed auditor acts as the auditor of the board. The board must make all of its records (such as books, documents, transactions, minutes and accounts) available to the auditor.

The board may wish to consider an open-book policy with respect to their membership, for example by presenting their financial statement and proposed budget at the annual meeting of the BIA so that members have an opportunity to scrutinize the board's financial management and provide constructive suggestions.

APPENDICES

APPENDIX A: A SAMPLE CHECKLIST TO IDENTIFY BUSINESS AREA NEEDS

Economic and Attitudinal Environment

Economic Environment

1.	Failure to tap potential market	____
2.	Failure to compete (merchandise, variety and price) with neighbouring communities or outlying retail areas	____
3.	Relocation of businesses to outlying retail centres	____
4.	Closing down of businesses	____
5.	Increasing number of storefront vacancies	____
6.	Vacant upper stories	____
7.	No new development in recent years	____
8.	Decreasing number of pedestrians and shoppers	____
9.	Vacant land along business streets	____
10.	Lack of suitable sites or buildings to attract new business	____
11.	Declining market	____
12.	Unstable employment base	____

Attitude

1.	No interest from business community or building owners to upgrade premises	____
2.	Apathy from business community with respect to area problems	____
3.	Residents shop elsewhere for goods and services available locally	____
4.	No area newsletter, annual general meeting, effective committees	____
5.	No regular communication between businesses	____

Municipal Policy and Infrastructure

Municipal Policy

1. No explicit policy to protect viability of the area as a retail centre _____
2. Overly restrictive land use standards _____
3. Overly stringent development agreement standards _____
4. Inadequate sign regulations _____
5. Lack of maintenance bylaws and/or inadequate enforcement of maintenance bylaws _____
6. Hesitancy from local council to support business initiatives _____
7. Lack of technical and staff resources to pursue initiatives _____

Infrastructure

1. Inadequate water, storm and sewer systems to support new development _____
2. Inadequate street lighting _____
3. Business disruption by frequent repair of sidewalks and utilities _____

Function and Physical Appearance

Function

1. Poor access to the area _____
2. Lack of adequate directional signage _____
3. Poor road and sidewalk maintenance _____
4. Inconvenient traffic circulation within the area _____
5. Traffic congestion and traffic conflicts _____
6. Insufficient street parking _____
7. Inconvenient location of off-street parking areas _____
8. Poor access from parking spaces to stores _____
9. Poor pedestrian routes _____

Physical Appearance

1. Unattractive entry to the area _____
2. Dirty and littered streets, sidewalks and lanes _____
3. Poorly maintained facades _____
4. Inappropriate remodelling _____
5. Uninteresting store interiors _____
6. Unattractive, poorly designed, poorly lighted parking areas _____
7. Inappropriate and poorly maintained signage _____
8. Lack of visual focal points _____

APPENDIX B: SAMPLE BIA BUDGET

2004 INCOME				
Category	Item	Sub-Item	Amount	% of Budget
	2004 BIA Levy			
	Fund Balances at end of Year 2003			
	Year End Surplus/Deficit/Carry Over			
Total				

2004 BUDGET ALLOCATIONS				
Category	Item	Sub-Item	Amount	% of Budget
Administration				
	Salaries & Benefits			
	Rent			
	Telephone			
	Office Expense			
	Audit/Legal			
	Insurance			
	Office Equipment			
	Utilities			
	Miscellaneous			
	Taxes			
Total				

2004 BUDGET ALLOCATIONS				
Category	Item	Sub-Item	Amount	% of Budget
Communications				
	Meetings/Conferences			
	Newsletter			
	Electronic Communications			
	Office Memberships			
	Flyers/Posters/Notices			
	Public Relations & Correspondence			
	Taxes			
Total				
Marketing				
	Spring Campaign			
		Valentine's Day		
		Mother's Day		
	Summer Campaign			
		Father's Day		
		Midnight Madness		
		Sidewalk Sale		
	Fall/Winter Campaign			
		Thanksgiving Promotion		

		Christmas/ Boxing Day		
	Market Research			
	Guidebook			
	Taxes			
Total				

2004 BUDGET ALLOCATIONS

Category	Item	Sub-Item	Amount	% of Budget
Infrastructure				
	Street Cleaning			
	Holiday Wreaths			
	Directional Signs			
	Graffiti & Gum Removal			
	Public Posting Areas			
	Information Booth			
	Infrastructure Workshops			
	Taxes			
Total				
Capital				
	Sidewalk Reconstruction			
	Lighting			
	Street Furniture			
	Signage			
Total				
	Grand Total			

APPENDIX C: BIA CONTACT INFORMATION

AJAX

Downtown Ajax BIA
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Ajax ON L1S 2H6

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Position: Chairperson
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Fax: (905) 683-0481

Pickering Village BIA
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46 Church Street South
Ajax ON L1S 6B3

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Position: Chairperson
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AYLMER

Aylmer BIA
44 Talbot Street West
Aylmer ON N5H 1J7

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Bancroft BIA
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BARRIE

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BRAMPTON

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Brampton ON L6Y 1L9

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BRANT

Paris BIA
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Paris ON N3L 2M2

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BRANTFORD

Brantford Downtown BIA
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Brantford ON N3T 3B1

BRIGHTON

Brighton Downtown BIA
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Brighton ON

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BROCKTON

Walkerton BIA and Chamber of Commerce
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Walkerton ON N0G 2V0

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CAVAN-MILLBROOK-NORTH MONAGHAN

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CENTRE WELLINGTON

Elora Business Improvement Association
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Elora ON N0B 1S0

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Fergus BIA
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Tilbury BIA
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Contact: John Fantin
Position: Treasurer
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Wallaceburg ON N8A 5G1

Contact: Janet Reaume
Position: President
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CLARINGTON

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CLEARVIEW

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COBOURG

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Cornwall ON K9J 3P4

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Position: Chair
Telephone: (613) 932-8714

Le Village BIA
22-348 Montreal Road
Cornwall ON K6H 1B4

Contact: Monique Loger
Position: Executive Secretary

DESERONTO

Deseronto BIA
c/o 332 Main Street
Deseronto ON K0K 1X0

Contact: Barb Thompson
Position: President
Telephone: (613) 396-5618
www.deserontobia.com

DYSART et al

Haliburton Village BIA
Box 1281
Haliburton ON K0M 1S0

Telephone: (705) 457-2715
Fax: (705) 457-2098

EAST LUTHER-GRAND VALLEY

Grand Valley BIA
c/o Township of East Luther Grand Valley
PO Box 249
5 Main Street North
Grand Valley ON L0N 1G0

Telephone: (519) 928-5652
www.grandvalley.org/actiononline

ERIN

Erin BIA
48-50 Main Street
Erin ON N0B 1T0

Contact: Audrey Devonshire
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ESSA

Angus BIA
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Utopia ON L0M 1T0

Contact: David Guergis
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Telephone: (705) 424-9770
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ESSEX

Essex BIA
33 Talbot Street South
Essex ON N8M 1A8

Contact: Marlene Markham
Position: BIA Coordinator
Telephone: (519) 776-9811
Fax: (519) 776-8811
www.essexbia.com

Harrow Chamber of Commerce
c/o Southland Insurance
49 King Street West
PO Box 490
Harrow ON N0R 1G0

Contact: Barry Mannell
Position: President
Telephone: (519) 738-2228
Fax: (519) 738-4417

FORT ERIE

Bridgeburg Station Downtown BIA
58 Jarvis Street
PO Box 3
Fort Erie ON L2A 2S4

Contact: Teresa McKellar
Telephone: (905) 871-4938
Fax: (905) 871-8890
email:bridgeburg@forterie.com
www.forterie.com/bridgeburg/BIA.html

Crystal Beach BIA
3880 Victoria Road
Crystal Beach ON L0S 1B0

Contact: Winnie Swalm
Position: Chairperson
Telephone: (905) 894-1093

Ridgeway BIA
344 Ridge Road North
PO Box 234
Ridgeway ON L0S 1R0

Contact: Brad Murphy
Position: Chairperson
Telephone: (905) 894-6212
Fax : (905) 894-6214

FORT FRANCES

Downtown Fort Frances BIA
235 Scott Street
Fort Frances ON P9A 1G8

Contact: Harlene Lowey
Position: BIA Coordinator
Telephone: (807) 274-7502
Fax: (807) 274-7502

GANANOQUE

Downtown Gananoque BIA
PO Box 122
Gananoque ON K7G 2T7

Contact: Carole Stacey
Position: Manager
Telephone: (613) 382-3250

GEORGIAN HIGHLANDS

Meaford BIA
175 Richmond Street
Meaford ON N4L 1B3

Contact: Richard Morris
Position: Chairperson
Telephone: (519) 538-4685
http://www.meaford.com/town/org_bia.htm

GEORGINA

Jackson's Point Village Association
PO Box 189
Jackson's Point ON L0E 1L0

Contact: Frank Atyeo
Position: Chairperson
Telephone: (905) 722-5176

Sutton West BIA
c/o Fahey & Reeder
100 High Street
Sutton ON L0E 1R0

Contact: Paul Reeder
Position: President
Telephone: (905) 722-3771
Fax: (905) 722-9852

GRAVENHURST

Gravenhurst BIA
PO Box 25
R.R. #2
Gravenhurst ON P1P 1R2

Contact: Barbara Morton
Position: Chairperson
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FAX: (705) 687-7169
barb@mortonstainedglasswork.ca

GREATER NAPANEE

Napanee BIA Association
PO Box 291
Napanee ON K7R 3L3

Contact: Richard Price
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Telephone: (613) 354-6696
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GRIMSBY

Grimsby BIA
c/o Village Studio
9 Main Street West
Grimsby ON L3M 1R3

Contact: Bryan McAuley
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GUELPH

Guelph Downtown B.O.M.
42 Wyndham Street North
Suite 202
Guelph ON N1H 4E9

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Fax: (519) 767-0698

HALDIMAND

Caledonia BIA
15 Argyle Street North
Caledonia ON N3W 1B6

Contact: Don Smith
Position: Chairperson
Telephone: (905) 765-2841

Dunnville BIA
108 Bridge Street
Dunnville ON N1A 2Y2

Contact: Ken Bell
Position: Chairperson
Telephone: (905) 774-7545

Hagersville BIA
c/o Sayers Home Hardware
11-15 Main Street South
Hagersville ON N0A 1H0

Contact: Dave Sayers
Position : President
Telephone: (905) 768-3431

HALTON HILLS

Acton BIA
PO Box 21
Acton ON L7J 2M2

Contact: Josey Murray
Position: Coordinator
Telephone: (519) 853-1031 ext. 274
Fax: (519) 853-4514
http://www.downtownacton.ca/bia.html

Georgetown Central BIA
116 Mill Street
Georgetown ON L7G 2C5

Contact: Emma Rock
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http://www.downtowngeorgetown.com/

HAMILTON

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Coordinator of BIAs
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Hamilton ON L8P 4Y5

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Barton Village BIA
448 Barton Street East
Hamilton ON

Contact: Keith Cody
Telephone: (905) 540-9472
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Concession Street BIA
536 Concession Street
Hamilton ON L8V 1A6

Contact: John Woolcott
Position: Co-Chairperson
Telephone: (905) 383-2344

Downtown Hamilton BIA
4 Hughson Street South
Suite 204
Hamilton ON L8N 3Z1

Contact: K. Drewitt
Position: Executive Director
Telephone: (905) 523-1646
(905) 523-5433
email:info@downtownhamilton.org

Dundas Downtown BIA
C/o Shoppers Drug Mart
107 King Street West
#202
PO Box 95532
Hamilton ON L9H 1T7

Contact: Jim Watson
Position: President
Telephone: (905) 628-4648

International Village BIA
P.O. Box 91220
Station "A"
Hamilton ON L8N 4G4

Contact: M. Pocius
Position: Executive Director
Telephone: (905) 522-1778
Fax: (905) 522-1649

Main Street Esplanade BIA
65 Locke Street South
Hamilton ON L8P 4A3

Contact: Joyce Morrison
Position: Co-Chairperson

Ottawa Street BIA
201Ottawa Street North
Hamilton ON L8H 3Z4

Contact: J. Bazinet
Telephone: (905) 544-5822

Stoney Creek BIA
17 King Street East
Stoney Creek ON L8G 1J7

Contact: Ed Strecker
Position: Chairman
Telephone: (905) 662-4971 x27
Fax: (905) 662-5602

Waterdown BIA
PO Box 954
Waterdown ON L0R 2H0

Telephone: (905) 690-3744
Fax: (905) 689-5456

Westdale Village BIA
950 King Street West
Hamilton ON L8S 1K8

Contact: David Simpson
Position: Chairman
Telephone: (905) 527-1174

HANOVER

Hanover BIA
214 10th Street
Hanover ON N4N 1N7

Contact: John Lyons
Position: Director
Telephone: (519) 364-4000
Fax: (519) 364-6949

HAWKESBURY

Hawkesbury BIA Commission
PO Box 642
Hawkesbury ON K6A 3C8

Contact: Denis Charlebois
Position: President

HEARST

Centre-Ville Hearst Downtown
810 George Street
PO Box 1259
Hearst ON P0L 1N0

Contact: Louis Corbeil
Position: Secretary
Telephone: (705) 372-1141
www.hearstbia.com

HURON EAST

Seaforth BIA
39 Main Street South
Seaforth ON N0K 1W0

Contact: Liz Cardno
Position: Acting Chairperson
Telephone: (519) 527-0596

HUNTSVILLE

Huntsville Town Centre
15 Main Street East
PO Box 5380
Huntsville ON P1H 2K7

Contact: Eva Miller
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Telephone: (705) 789-1400
Fax: (705) 789-1400 (call first)
email:bia@vianet.on.ca
www.downtown-huntsville.com

INGERSOLL

Ingersoll BIA
8 King Street East
Ingersoll ON N5C 3L8

Contact: Rita Jones
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KAPUSKASING

Kapuskasing BIA
88 Riverside Drive
Kapuskasing ON P5N 1B3

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KAWARTHA LAKES

Lindsay BIA
4 Victoria Avenue North
Lower Floor
Lindsay ON K9V 4E5

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www.lindsaydowntown.com/bia.html

KINCARDINE

Kincardine BIA
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Kincardine ON N2Z 2X6

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KINGSTON

Downtown Kingston BIA
177 Wellington Street
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Kingston ON K7L 3E3

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KINGSVILLE

Kingsville BIA
31 Queen Street
Kingsville ON N9Y 1Z8

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KITCHENER

Belmont Improvement Area
279 Glasgow Street
Kitchener ON N2G 2M6

Contact: Christina Weylie
Position: Councillor
Telephone: (519) 741-2796

Kitchener DBA
53 Queen Street South
Kitchener ON N2G 1V8

Contact: Marty Schreiter
Position: Executive Director
Telephone: (519) 744-4921
Fax: (519) 744-9143
www.kitchenerdowntown.com

LAKESHORE

Belle River BIA
419 Notre Dame Street
Belle River ON N0R 1A0

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http://www.lakeshoreontario.com/lbd/brbia/

LAMBTON SHORES

Forest BIA
PO Box 197
Forest ON N0N 1J0

Contact: Gleen Van Valkenberg
Position: Chairperson

LINCOLN

Beamsville BIA
c/o Lincoln Chamber of Commerce
4800 South Service Road
Beamsville ON L0R 1B0

Contact: Cathy McNiven
Position: Secretary
Telephone: (905) 563-5044

LONDON

Downtown London BIA
210 Dundas Street
London ON N5W 5J3

Telephone: (519) 669-9660

Old East Village BIA
809 Dundas Street
Suite 1
London ON N4W 5P6

Telephone: (519) 645-7662
Fax: (519) 645-7041
info@oldeastvillage.com
www.oldeastvillage.com

MARKHAM

Markham Village BIA
132 Robinson Street
Markham ON L3P 5H5

Contact: Dr. Morley Lem
Position: Chairperson
Telephone: (905) 294-0761

Contact: Judi McIntyre
Position: Manager
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Fax: (905) 472-8530
http://www.markhamvillage.com/

Unionville BIA
PO Box 64711
Markham ON

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MILTON

Milton Downtown BIA
251 Main Street East
Suite 103
Milton ON L9T 1P1

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Telephone: (905) 876-2773
Fax: (905) 876-2829

MICHIPICOTEN

Wawa BIA
PO Box 2057
Wawa ON P0S 1K0

Contact: Harry Johnson
Position: Chairperson
Telephone: (705) 856-2346

MIDLAND

Midland BIA
PO Box 69
Midland ON L4R 4K6

Contact: Anna Milligan
Position: Administrator
Telephone: (705) 527-7246
Fax: (705) 526-1744

MINDEN HILLS

Minden BIA
PO Box 359
7 Milne Street
Minden ON K0M 2K0

Telephone: (705) 286-1260

MISSISSAUGA

Clarkson Village Centre
1680 Lakeshore Road West
Mississauga ON L5J 1J5

Contact: Pat Melhuish
Position: Chairperson
Telephone: (905) 823-0020
Fax: (905) 823-4769

Port Credit BIA
105 Lakeshore Road West
Mississauga ON L5H 1E9

Contact: Ellen Timms
Position: General Manager
Telephone: (905) 278-7742
Fax: (905) 278-8864
http://www.portcredit.com/

Streetsville Business Association
168 Queen Street South
#208
Mississauga ON L5M 1K8

Contact: Valerie Davidge
Position: Manager
Telephone: (905) 858-5974
Fax: (905) 858-2366
http://www.villageofstreetsville.com/

NEW TUCUMSETH

Alliston Downtown Improvement Area
Millpond Centre
106 Victoria Street West
Alliston ON L9R 1Y7

Contact: Irvine Broder
Position: Chair
Telephone: (705) 435-3092

NIAGARA FALLS

Chippawa BIA
3826 Main Street
Niagara Falls ON L2G 6B2

Contact: Victor Ferraiuolo
Position: Chair
Telephone: (905) 374-6582
Fax: (905) 356-5567

Clifton Hill BIA
c/o Hoco
4960 Clifton Hill
Box 60
Niagara Falls ON L2G 6S8

Contact: Harry Oakes
Position: Chair
Telephone: (905) 357-5911
Fax: (905) 358-5738
http://www.niagarabia.com/

Fallsview Tourist Area BIA
PO Box 655
Niagara Falls ON L2E 6V5

Contact: Sue McDowell
Position: Administrator
Telephone: (905) 358-7137
Fax: (905) 358-5891
Email:suemcdowell@fallsviewbia.com

Lundy's Lane BIA
PO Box 26008
Niagara Falls ON L2G 7X6

Contact: Len Cade
Position: Chair
Telephone: (905) 356-1161
Fax: (905) 356-4779

Main & Ferry Business Association
c/o Morgan Funeral Homes
5917 Ferry Street
Niagara Falls ON L2G 5Z7

Contact: Jeff Morgan
Position: Treasurer
Telephone: (905) 356-3550
Fax: (905) 356-9916

Niagara Falls Downtown BIA
4400 Queen Street
Unit 6
Niagara Falls ON L2E 2L3

Contact: Joe Amodeo
Position: Chair
Telephone: (905) 354-0606
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http://www.niagarafallsdowntown.com/

NIPIGON

Nipigon BIA
R.R. #1
Nipigon ON P0T 2J0

Contact: Mike Parkinson
Position: Chairperson
Telephone: (807) 887-2034
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NORFOLK

Simcoe BIA
95 Calver Street
Simcoe ON N3Y 2V3

Contact : Peter Black
Position : Councillor
Telephone: (519) 426-5999 x214
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Email:rg@downtownsimcoe.com
www.downtownsimcoe.com

Contact: Terry Sheppard
Position: Administrator

Contact: Richard Gilbert
Position: Promotion Manager

Uptown Delhi BIA
PO Box 155
Delhi ON N4B 2W9

Contact: Paul Kreller
Position: Chairperson
Telephone: (519) 582-3911

NORTH BAY

North Bay Downtown Improvement Area
133 Main Street West
North Bay ON P1B 2T6

Telephone: (705) 474-7824
Fax: (705) 474-2732

NORTHEASTERN MANITOULIN AND THE ISLANDS

Little Current BIA
PO Box 126
Little Current ON P0P 1K0

Contact: Jim Turner
Position: President
Telephone: (705) 368-2150

NORTH GLENGARRY

Alexandria BIA
Town of Alexandria
PO Box 1993
Alexandria ON K0C 1A0

Contact: Gail Belair-Abrames
Position: Interim Chairperson
Telephone: (613) 525-5422
Fax: (613) 525-5397

NORTH GRENVILLE

Kemptville BIA
PO Box 1047
Kemptville ON K0G 1J0

Contact: Wendy Chapman
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Fax: (613) 258-4322
email:ngcc@magma.ca

NORTH PERTH

Listowel and Area BIA
PO Box 232
Listowel ON N4W 3H4

Contact: Sheri Buchanan
Position: General Manager
Telephone: (519) 291-1551

NORWICH

Norwich BIA
27 Main Street West
Norwich ON N0J 1P0

Contact: Adrian Van Heuven
Position: President
Telephone: (519) 863-2920

OAKVILLE

Bronte Village BIA
100 Bronte Road
Unit 2
Oakville ON L6L 6L5

Contact: Liz Behrens
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Telephone: (905) 825-3258
Fax: (905) 825-5947
http://brontevillage.net/business.htm

Downtown Oakville BIA
146 Lakeshore Road East
Oakville ON L6J 1H4

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Fax: (905) 844-1154
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ORANGEVILLE

Orangeville BIA
190 Broadway
PO Box 255
Orangeville ON L9W 1K3

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Fax: (519) 942-2610
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ORILLIA

Downtown Orillia BIA
33 Mississauga Street East
PO Box 2305
Orillia ON L3V 6S3

Contact: Pauline MacLean
Position: Administrative Assistant
Telephone: (705) 325-3261
Fax: (705) 325-7666

Contact: Pat Thor
Position: Managing Director
Telephone: see above
email:domb@csolve.net

OSHAWA

Downtown Oshawa Board of Management
14 ½ King Street East
Oshawa ON L1H 1A9

Contact: Darryl Sherman
Position: Chair
Telephone: (905) 576-7606
Fax: (905) 576-7653
www.downtownoshawa.ca

OTTAWA

Bank Street Promenade BIA
176 Gloucester St
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Telephone: (613) 232-6255
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ByWard Market BIA
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Ottawa ON K1N 9C3

Contact: Jantine Van Kregten
Position: Executive Director
Telephone: (613) 562-3325
Fax: (613) 562-3326
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Downtown Rideau BIA
400 Dalhousie Street
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Contact: Peggy DuCharme
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Fax: (613) 241-8612
email: rideau@cvberus.ca.
http://www.downtownrideau.com

Preston Street BIA
248 Preston Street
Ottawa ON K1R 7R4

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www.prestonstreet.com/

Somerset Heights BIA
638 Somerset Street West
Ottawa ON K1R 5K4

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Fax: (613) 230-8261
http://www.ottawakiosk.com/somerset/

Somerset Village BIA
352 Somerset Street West
Ottawa ON K2P 0J9

Contact: Ed Mitchell
Position: Chairperson
Telephone: (613) 233-7762
Fax: (613) 236-1943
http://www.somerset-village.com/

Sparks Street Mall Management Board
151 Sparks Street
2nd Floor
Ottawa ON K1P 5E3

Contact: Sharon McKenna
Position: Manager
Telephone: (613) 230-0984
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Vanier BIA
289 Montreal Road
Vanier ON K1L 6B8

Contact: Irene Franklin
Position: Coordinator
Telephone: (613) 745-0040
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Westboro Village BIA
261A Richmond Road
Ottawa ON K1Z 6X1

Contact: Christine Leadman
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Telephone: (613) 729-8154
Fax: (613) 729-5617

OWEN SOUND

Owen Sound Downtown Improvement Area
103 10th Street East
Owen Sound ON N4K 1S2

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Position: Manager
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Fax: (519) 376-3908
email:admin@owensounddia.com

PARRY SOUND

Parry Sound Downtown BIA
52 Sequin Street
Parry Sound ON P2A 1B4

Contact: Heather Steele
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Telephone: (705) 746-6426
Fax: (705) 746-2290

PERTH

Downtown Heritage Perth BIA
34 Harriott Street
Perth ON K7H 1T2

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Position: BIA Coordinator
Telephone: (613) 264-1190
Fax: (613) 267-6797
www.downtownheritageperthbia.com

PETERBOROUGH

East City Village BIA
73 Hunter Street East
Peterborough ON K9H 1G4

Telephone: (705) 743-7755
Fax: (705) 743-2537

Peterborough Downtown BIA
PO Box 297
Station Main
315 Water Street
Peterborough ON K9J 6Y8

Contact: Sheila Wood
Position: General Manager
Telephone: (705) 748-4774
Fax: (705) 748-4776
email: ptbodbia@accel.net
www.peterboroughbia.com/

PORT COLBORNE

Port Colborne Downtown Dev. BIA
c/o Custom Frameworks
226 West Street
Port Colborne ON L3K 4E3

Contact: Julie Barker
Position: Chairperson
Telephone: (905) 834-4590

PORT HOPE

Port Hope Heritage BIA
41 Walton Street
Port Hope ON L1A 1N2

Contact: John Campbell
Telephone: (905) 885-9283
http://www.town.porthope.on.ca/hbia.htm

POWASSAN

Powassan BIA
Box 9
Powassan ON P0H 1Z0

Contact: Laurel Campbell
Position: Secretary
Telephone: (705) 724-2029
Fax: (705) 724-6421

PRESCOTT

Prescott BIA
360 Dibble Street West
Box 160
Prescott ON K0E 1T0

Contact: Ray Young
Position: Chair
Telephone: (613) 925-2812
Fax: (613) 925-4831

PRINCE EDWARD

Picton BIA
PO Box 2131
Picton ON K0K 2T0

Contact: Carol Rutter
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www.picton-bia.on.ca

QUINTE WEST

Trenton Downtown BIA
22 Front Street
Trenton ON K8V 6C5

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SAUGEEN SHORES

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SAULT STE. MARIE

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165 Queen Street East
Sault Ste. Marie ON P6A 1Y6

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Downtown Association
540 Queen Street East
Sault Ste. Marie ON P6A 2A1

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SCUGOG

Port Perry BIA
269 Queen Street
Port Perry ON L9L 1B9

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SHELBURNE

Shelburne BIA
PO Box 425
Shelburne ON L0N 1S0

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SMITHS FALLS

Smiths Falls Downtown BIA
77 Beckwith Street North
Smith Falls ON K7A 2B8

Contact: Valerie Hudson
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Telephone: (613) 283-4121
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town.smiths-falls.on.ca/business/bia.html

SOUTH BRUCE PENINSULA

Wiarton BIA
517 Berford Street
PO Box 68
Wiarton ON N0H 2T0

Contact: Mel Rinehart
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Telephone: (519) 534-4009
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SOUTH DUNDAS

Morrisburg BIA
PO Box 317
Morrisburg ON K0C 1X0

Contact: Jane Ewing
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SOUTH HURON

Exeter BIA
375 Main Street South
Exeter ON N0M 1S0

Contact: Karen Pfaff
Position: Chairperson
Telephone: (519) 235-4604

ST. CATHARINES

Port Dalhousie BIA
28 Lakeport Road
St. Catharines ON L2N 4P5

Contact: Ruth Barclay
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St. Catharines Downtown Association
12 Ontario Street
St. Catharines ON L2R 7M3

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ST. CLAIR

Corunna BIA
379 Lyndock Street
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ST. MARY'S

St. Mary's BIA
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APPENDIX D: QUESTIONS & ANSWERS

- **Q:What can a BIA do?**

A BIA is intended to improve business within the BIA area. This task is accomplished through two means.

One means is the improvement of the physical environment. These physical improvements can include an increase in convenient parking and beautification projects, including the use of benches, flower beds and planters, special street lighting and improved streetscapes.

A second means is through the marketing and promotion of the area as a business and shopping community. These marketing and promotion efforts can include organizing community events, public relations programs and advertising campaigns.

- **Q:Who pays for a BIA?**

A BIA is funded by a special levy on the property taxes paid by owners of property designated as industrial or commercial, or lessees who pay a portion of the property tax, within the boundaries of the BIA.

The amount of the levy is related to the assessment value of the property. In general, a property owner will pay a percentage of the overall BIA levy equal to the percentage of the total property assessment in the BIA represented by that particular property. For example, if a property is assessed at one per cent of total realty assessment, the owner of that property would pay one per cent of the total levy.

The council can also establish maximum and minimum levies to provide for the fair and equitable sharing of the costs of the services, and can set special charges for properties that derive greater or less than average benefits from the BIA.

- **How do you start a BIA?**

A BIA is a voluntary creation by local business and property owners. A BIA is established by municipal bylaw upon a formal request for a BIA designation from local business leaders.

The onus is on the local business leaders to organize and solicit support for the creation of the BIA. The formal request should provide details of the proposed boundaries of the BIA, the action plan, the suggested budget and an indication of the degree of support for the project among business and property owners in the boundaries of the proposed BIA.

The clerk of the municipality is required to send notification of the proposed BIA to all business owners within the designated area. The owners are required to give a copy of the notice to their property tax paying tenants. If the clerk receives significant objections to the proposal, the municipal bylaw cannot be passed. (See Section 2.3 and the legislation for further information.)

- **How do you determine the boundaries of a BIA?**

There are no hard and fast rules with respect to defining a BIA area. However, there are some useful guidelines from past experience.

Natural boundaries such as a river or bridge, or historical boundaries formed by older buildings can be used to determine the area covered by the BIA. Shopping districts are often easily recognizable and can be used as the boundaries of a BIA.

An important guideline that should be considered is that, since the majority of business and property owners who will have to pay the levy within the proposed area should be in favour of the proposal. Business and property owners wishing to be included in the BIA boundaries should be included.

Finally, in some cases, it may be preferable to have a larger area that contains lands for future commercial development included within the boundaries of the BIA.

- **Q:How do you expand or reduce the boundaries of the BIA?**

  The boundaries of a BIA can be expanded or reduced by municipal bylaw. The notice requirements and appeal procedures applicable with respect to the initial establishment of a BIA are also largely applicable to the expansion or reduction of BIA boundaries.

- **Q:If a BIA is passed do all businesses in the BIA have to belong?**

  The establishment of a BIA is purely voluntary and is initiated by the business community. Once the municipal council passes a municipal bylaw creating a BIA, all property owners and lessors that pay a portion of the property tax must pay the additional levy associated with the BIA.

- **Q:What happens if the BIA is no longer wanted?**

  If the membership of a BIA wishes to dissolve the association, the municipality may repeal the bylaw that established the BIA.

  All financial obligations of the BIA are assumed by the municipality. A municipality can continue the levy on property in the former improvement area until outstanding amounts are received.

- **Q:Who actually runs the BIA?**

  The BIA is managed by a board of management appointed by the municipal council. The board has general responsibilities, among others, to oversee the planning, budgeting, implementation and evaluation of BIA projects.

- **Q:How many people are on the board?**

  There is no minimum or maximum number of members but most boards have between five and ten members.

- **Q:Who can be on the board?**

  The municipality can have one or more BIA board members. Remaining nominees are selected by a vote of BIA members, who are confirmed by the municipality.

  Board members often include those individuals responsible for establishing the BIA. Other members have often included past and present members of business associations, members of service clubs and persons with past experience in municipal affairs.

- **Q:How long do members sit on the board?**

  Board members hold office from the time of their appointment to the expiration of the term of the municipal council that appointed them, but the appointment continues until successors are appointed.

- **Q:How do you become a board member?**

  Many BIAs hold elections to nominate a list of potential board members that will be confirmed by municipal council. Some BIAs simply provide suggested candidates for board membership to municipal council. In either case, the final decision on who to appoint as board members rests with the municipal council.

- **Q:How is the BIA budget determined?**

  The board prepares an annual budget for the BIA. Most boards then submit the budget to the BIA membership for approval at the annual general meeting. At a minimum, the budget needs to be discussed by the membership. The budget must then be submitted to municipal council for approval.

- **Q:How is the BIA budget collected?**

  The BIA does not levy taxes directly. The municipal council adds a special BIA levy to the property tax collected from property owners within the boundaries of the BIA. As a general rule, this levy is related to realty assessment within the area. For example, if a property is assessed at one per cent of total realty assessment within the area, the owner of that property would pay one per cent of the total levy within the area. However, municipal council can establish maximum and minimum levies as well as special charges in the case of businesses that derive greater or lesser than average benefits from the BIA.

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Province of Ontario Web sites of Interest to BIAs

Ministry of Municipal Affairs www.mah.gov.on.ca
Information can be found on the Ministry Web site on the following topics:
Brownfields
Business Retention and Expansion
Municipal Act E-Guide
Municipal Readiness for Economic Development
Property Assessment and Taxation System

Community and Economic Development Resource www.cedr.gov.on.ca
Rural Economic Development Data and Intelligence www.reddi.gov.on.ca

Ministry of Northern Development and Mines www.mndm.gov.on.ca
Information can be found on the Ministry Web site on the following topics:
The Investment Readiness Test: A Self-Assessment Tool for Northern Communities

Ontario Tourism and Marketing Partnership Corporation www.tourismpartners.com
Urban Economic Development Resource Database www.ontariocanada.com

Provincial Grants of Interest to BIAs

Connect Ontario: Broadband Regional Access www.ontariocanada.com
Northern Ontario Heritage Fund www.mndm.gov.on.ca
Prosperity Partnerships Fund www.ontariocanada.com
Rural Economic Development Program www.mah.gov.on.ca
Ontario Cultural Attractions Fund www.culture.gov.on.ca
Ontario Trillium Foundation Community Grants www.trilliumfoundation.org

Business Improvement Area Links in Ontario

Ontario Business Improvement Areas Association	www.obiaa.com
Toronto Association of Business Improvement Areas	www.toronto-bia.com
City of Toronto Economic Development Office	www.enterprisetoronto.com

Business Improvement Area Links outside of Ontario

BIAs of British Columbia www.bia.bc.ca
Government of British Columbia BIA Web site
www.mcaws.gov.bc.ca/lgd/gov_structure/advisory_services/bia
Municipal Research and Services Center of Washington
www.mrsc.org/subjects/econ/ed-bia.aspx
City of Winnipeg BIZ Web site www.city.winnipeg.mb.ca/ppd/biz_overview.stm

Publications

City of Seattle BIA Handbook
www.cityofseattle.net/economicdevelopment/pdfs/bia_handbook.pdf
Massachusetts Department of Housing & Community Development Guide to Establishing a BID in Massachusetts www.state.ma.us/dhcd/publications/bid398.pdf

APPENDIX F:LEGISLATION

ENABLING LEGISLATION

The Municipal Act, 2001(here in after referred to as *"The act"*) sets forth provisions that govern the establishment and operation of BIAs.

Municipalities are granted the authority to establish BIAs under sections 204-215 of the act. The sections set out legislative requirements with respect to a number of issues, such as:

- authority of a municipal council to establish a BIA by passing a bylaw to that effect
- notice requirements
- duties of landlords with respect to providing notice to tenants
- right to object to the bylaw
- role of the municipal clerk in establishing the sufficiency of an objection to the bylaw
- establishing the board of management and appointing board members
- requirement for submitting annual estimates (budget) and an annual report to council
- limitations on spending by the board and restrictions on incurring debt
- procedures for objecting to certain BIA charges
- regulations on minimum, maximum, and special benefit charges
- expanding a BIA
- repeal of the enabling bylaw and dissolution of a BIA

EXCERPTS FROM THE *MUNICIPAL ACT* , 2001

These excerpts are provided for information only. For accurate recourse, please refer to the official volumes.

Designation of improvement area

204. (1) A local municipality may designate an area as an improvement area and may establish a board of management,

(a) to oversee the improvement, beautification and maintenance of municipally owned land, buildings and structures in the area beyond that provided at the expense of the municipality generally; and

(b) to promote the area as a business or shopping area.

Corporation

(2) A board of management is a corporation consisting of the number of directors established by the municipality.

Composition

(3) A board of management shall be composed of,

(a) one or more directors appointed directly by the municipality; and

(b) the remaining directors selected by a vote of the membership of the improvement area and appointed by the municipality.

Membership

(4) Members of an improvement area consist of persons who are assessed, on the last returned assessment roll, with respect to rateable property in the area that is in a prescribed business property class and tenants of such property.

Determining tenancy

(5) In determining whether a person is a tenant or not, the clerk of the municipality may accept a list provided under clause 210 (2) (b) or the declaration of a person that the person is a tenant and the determination of the clerk is final.

One vote

(6) Each member of an improvement area has one vote regardless of the number of properties that the member may own or lease in the improvement area.

Nominee

(7) A corporate member of an improvement area may nominate in writing one individual to vote on behalf of the corporation.

Joint nominee

(8) Subject to subsection (6), one individual may be nominated for voting purposes by two or more corporations that are members of an improvement area.

Refusal to appoint

(9) The municipality may refuse to appoint a person selected by the members of an improvement area, in which case the municipality may leave the position vacant or direct that a meeting of the members of the improvement area be held to elect or select another candidate for the municipality's consideration.

Term

(10) The term of the directors of a board of management is the same as the term of the council that appointed them but continues until their successors are appointed.

Reappointment

(11) Directors are eligible for reappointment.

Vacancies

(12) Subject to subsection (9), if a vacancy occurs for any cause, the municipality may appoint a person to fill the vacancy for the unexpired portion of the term and the appointed person is not required to be a member of the improvement area.

Budget

205. (1) A board of management shall prepare a proposed budget for each fiscal year by the date and in the form required by the municipality and shall hold one or more meetings of the members of the improvement area for discussion of the proposed budget.

Council to approve

(2) A board of management shall submit the budget to council by the date and in the form required by the municipality and the municipality may approve it in whole or in part but may not add expenditures to it.

Limitations

(3) A board of management shall not,

(a) spend any money unless it is included in the budget approved by the municipality or in a reserve fund established under section 417;

(b) incur any indebtedness extending beyond the current year without the prior approval of the municipality; or

(c) borrow money.

Limitations on power

(4) Section 65 of the *Ontario Municipal Board Act* and section 401 of this Act apply to the municipality's approval under clause (3) (b) in the same manner as if it were incurring a debt of the municipality.

Notice

206. A board of management shall give reasonable notice to the general membership of the improvement area of a meeting to hold a vote under clause 204 (3) (b) or for the purposes of a discussion under subsection 205 (1).

Annual report

207. (1) A board of management shall submit its annual report for the preceding year to council by the date and in the form required by the municipality and the report shall include audited financial statements.

Auditor

(2) The municipal auditor is the auditor of each board of management and may inspect all records of the board.

Funds to be raised

208. (1) The municipality shall annually raise the amount required for the purposes of a board of management, including any interest payable by the municipality on money borrowed by it for the purposes of the board of management.

Special charge

(2) The municipality may establish a special charge for the amount referred to in subsection (1),

(a) by levy upon rateable property in the improvement area that is in a prescribed business property class; or

(b) by levy upon rateable property in the improvement area that is in a prescribed business property class and that, in council's opinion, derives special benefit from the improvement area, which levy may be calculated using different percentages of the assessment for one or more separately assessed properties or categories of separately assessed properties in the prescribed class if the resulting levy is equitable in accordance with the benefits that, in council's opinion, accrue to the properties from the activities related to the improvement area.

Minimum and maximum charges

(3) The municipality may establish a minimum or maximum charge or both, expressed for one or more separately assessed properties or categories of separately assessed properties in a prescribed class, as,

(a) percentages of the assessed value of rateable property in the improvement area that is in a prescribed business property class;

(b) dollar amounts; or

(c) percentages of the board of management's annual budget.

Effect of bylaw

(4) When a bylaw under subsection (3) is in force,

(a) the amount of a charge levied in a year under subsection (2) shall not, when calculated for the individual property in the prescribed class to which it applies, be less than or greater than the amount of the applicable minimum and maximum charge for the property established under the bylaw; and

(b) if necessary for a fiscal year to raise the amount referred to in subsection (1) because a minimum or maximum charge applies to one or more separately assessed properties or categories of separately assessed properties in the prescribed class, the municipality shall for the year adjust any charges applicable to the remaining individual properties or subclasses of properties in the prescribed class by adjusting the percentage or percentages of assessment established under subsection (2) for those properties.

Exclusion

(5) Section 210 does not apply to an adjustment made under clause (4) (b).

Borrowings

(6) If only a part of money borrowed by the municipality in any year for the purposes of a board of management is required to be repaid in that year or a subsequent year, only that part and any interest payable on the total amount shall be included in the levies under this section in that year or subsequent year, respectively.

Priority lien status

(7) Charges levied under this section shall have priority lien status and shall be added to the tax roll.

Changes to boundary

209. The municipality may alter the boundaries of an improvement area and the board of management for that improvement area is continued as the board of management for the altered area.

Notice

210. (1) Before passing a bylaw under subsection 204 (1), clause 208 (2) (b), subsection 208 (3) or section 209, notice of the proposed bylaw shall be sent by prepaid mail to the board of management of the improvement area, if any, and to every person who, on the last returned assessment roll, is assessed for rateable property that is in a prescribed business property class which is located,

(a) where the improvement area already exists, in the improvement area and in any geographic area the proposed bylaw would add to the improvement area; and

(b) where a new improvement area would be created by the proposed bylaw, in the proposed improvement area.

When notice received

(2) A person who receives a notice under subsection (1) shall, within 30 days after the notice is mailed,

(a) give a copy of the notice to each tenant of the property to which the notice relates who is required to pay all or part of the taxes on the property; and

(b) give the clerk of the municipality a list of every tenant described in clause (a) and the share of the taxes that each tenant is required to pay and the share that the person is required to pay.

Objections

(3) A municipality shall not pass a bylaw referred to in subsection (1) if,

(a) written objections are received by the clerk of the municipality within 60 days after the last day of mailing of the notices;

(b) the objections have been signed by at least one-third of the total number of persons entitled to notice under subsection (1) and under clause (2) (a); and

(c) the objectors are responsible for,

(i) in the case of a proposed addition to an existing improvement area,

(A) at least one-third of the taxes levied for purposes of the general local municipality levy on rateable property in all prescribed business property classes in the improvement area, or

(B) at least one-third of the taxes levied for purposes of the general local municipality levy on rateable property in all prescribed business property classes in the geographic area the proposed bylaw would add to the existing improvement area, or

(ii) in all other cases, at least one-third of the taxes levied for purposes of the general local municipality levy on rateable property in all prescribed business property classes in the improvement area.

Withdrawal of objections

(4) If sufficient objections are withdrawn in writing within the 60-day period referred to in clause (3) (a) so that the conditions set out in clause (3) (b) or (c) no longer apply, the municipality may pass the bylaw.

Determination by clerk

(5) The clerk shall determine whether the conditions set out in subsection (3) have been met and, if they are, shall issue a certificate affirming that fact.

Determination final

(6) The determination by the clerk is final.

Repeal of bylaw

211. (1) Council shall give notice in accordance with subsection 210 (1) of a proposed bylaw to repeal a bylaw under subsection 204 (1) if the municipality has received,

(a) a resolution from the board of management requesting the repeal; or

(b) a request for the repeal signed by persons who are responsible for at least one-third of the taxes levied for purposes of the general local municipality levy on rateable property in all prescribed business property classes in the improvement area.

Statement

(2) A person signing a request under clause (1) (b) shall state what amount of taxes on rateable property in the area that the person is required to pay.

Time

(3) Council shall give the notice within 60 days after receiving the resolution or request.

Repeal

(4) Council shall repeal the bylaw under subsection 204 (1) if requests for the repeal are received by the clerk of the municipality within 60 days after the last day of mailing of the notices and,

(a) the requests have been signed by at least one-half of the total number of persons entitled to notice under subsection 210 (1) and under clause 210 (2) (a); and

(b) those who have signed the requests are responsible for at least 50 per cent of the taxes levied for purposes of the general local municipality levy on rateable property in all prescribed business property classes in the improvement area.

Timing

(5) The repealing bylaw must come into force on or before December 31 of the year in which it is passed.

Requests withdrawn

(6) If sufficient requests are withdrawn in writing within the 60-day period referred to in subsection (4) so that either condition set out in that subsection no longer applies, the municipality is not required to repeal the bylaw.

Determination by clerk

(7) The clerk shall determine whether the conditions set out in clause (1) (b) and subsection (4) have been met and, if so, shall issue a certificate affirming that fact.

Determination final

(8) The determination by the clerk is final.

Restriction

(9) If the conditions of subsection (4) are not satisfied, council is not required to give notice under subsection (1) in response to a resolution or request for a period of two years after the last mailing of the notices.

Non-application

(10) No requirement under this section or under section 210 applies to the repeal by a municipality on its own initiative of a bylaw under subsection 204 (1).

Effect of bylaw

212. A bylaw passed under subsection 204 (1), subsection 208 (2) or (3), section 209 or subsection 211 (4) is not invalid by reason only that,

(a) a person required to give a copy of a notice to a tenant or other information to the municipality under subsection 210 (2) has not done so;

(b) the objections referred to in clause 210 (3) (b) have not been signed by at least one-third of the total number of persons entitled to receive notice under subsections 210 (1) and (2) because a person required to give a copy of the notice under subsection 210 (2) has not done so; or

(c) the requests referred to in clause 211 (4) (a) have not been signed by at least one-half of the total number of persons entitled to notice under subsections 210 (1) and (2) because a person required to give a copy of the notice under subsection 210 (2) has not done so.

Tenants

213. For the purposes of clauses 210 (3) (c) and 211 (1) (b), subsection 211 (2) and clause 211 (4) (b), a tenant shall be deemed to be responsible for the part of the taxes that the tenant is required to pay under the tenant's lease or under sections 367 and 368.

Dissolution of board

214. (1) Upon the repeal of a bylaw under subsection 204 (1), the board of management is dissolved and the assets and liabilities of the board become the assets and liabilities of the municipality.

Liabilities exceed assets

(2) If the liabilities assumed under subsection (1) exceed the assets assumed, the council may recover the difference by imposing a charge on all rateable property in the former improvement area that is in a prescribed business property class.

Regulations

215. The Minister may make regulations prescribing one or more classes of real property prescribed under the *Assessment Act* as business property classes for the purposes of sections 204 to 214.

Legislation Referenced under Section 204-215 of the *Municipal Act, 2001*

Municipal Act, 2001

Reserve funds

417. (1) Every municipality and local board, as defined in the *Municipal Affairs Act*, and any other body exercising a power with respect to municipal affairs under any Act in unorganized territory may in each year provide in its budget for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend money.

Approval

(2) If the approval of a municipality is required by law for a capital expenditure or the issue of debentures by or on behalf of a local board, the local board must obtain the approval before providing for a reserve fund for those purposes in its budget.

Investment

(3) The money raised by a body exercising a power with respect to municipal affairs under any Act in unorganized territory for a reserve fund shall be paid into a special account and may be invested only in the securities or classes of securities prescribed.

Expenditure of reserve funds

(4) A municipality may by by-law provide that the money raised for a reserve fund established under subsection (1) may be spent, pledged or applied to a purpose other than that for which the fund was established.

Regulations

(5) The Lieutenant Governor in Council may make regulations prescribing securities or classes of securities for the purpose of subsection (3).